

Appl. No. 10/717,008
Amdt. dated October 16, 2006
Response to June 14, 2006 Restriction Requirement

REMARKS

In response to the June 14, 2006 Restriction Requirement, Applicant elects without traverse the subject matter claimed in Group IV (claim 10) for initial substantive examination. Applicant has withdrawn claims 1-9 without prejudice.

The Restriction Requirement states that claim 10 is generic to a plurality of patentably distinct species of yeast genera, EMF frequency ranges, and EMF field strength ranges. Applicant has now amended the claim to limit the various claim elements to a single species. Support for these amendments appears in the specification at, e.g., p. 16, l. 20 and the original claim set.

Applicant makes this election expressly without waiver of his right to continue to prosecute and to obtain claims to the non-elected subject matter either in this application or by filing continuing applications claiming priority and benefit from this application.

Applicant submits that the application as amended is in condition for allowance,

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and early, favorable action is solicited.

Respectfully submitted,



James F. Haley, Jr. (Reg. No. 27,794)
Z. Ying Li (Reg. No. 42, 800)
Attorneys for Applicant

FISH & NEAVE IP GROUP
ROPES & GRAY LLP
Customer No. 1473
1251 Avenue of the Americas
New York, New York 10020-1105
Tel.: (212) 596-9000
Fax: (212) 596-9090